

REMARKS

Claims 7-22 remain present in this application.

Claims 13 and 21 have been amended. Reconsideration of the application, as amended, is respectfully requested.

The Examiner has acknowledged the Applicant's claim for foreign priority. However, the Examiner is incorrect in stating that the certified copy has not been received. As evidence of this submission, attached hereto are copies of Form PCT/IB/304 and the Notification of Missing Requirements.

Form PCT/IB/304 confirms that a certified copy of the priority document was transmitted to the International Bureau. The Notification of Missing Requirements then clearly sets forth that the priority document has been received by the U.S. Patent and Trademark Office from the International Bureau. Therefore, it is respectfully submitted that the claim for priority to Iceland Appl. No. 4997 is complete and that the requirements have been met. Because this application is a National Phase of an International PCT Application, and because the U.S. Receiving Office has received the priority document, no further action should be necessary on the part of the Applicant.

Claims 13 and 21 stand objected to for an informality. Because this informality has been addressed, it is respectfully requested that this objection now be reconsidered and withdrawn.

Claims 7, 11, 13-15, 19, 21 and 22 stand rejected under 35 USC 102(b) as being anticipated by REILLY, U.S. Patent 6,098,856. This rejection is respectfully traversed.

Claims 7-10, 12, 13, 15-18, 20 and 21 stand rejected under 35 USC 103 as being unpatentable over VERINA, U.S. Patent 5,335,834, in view of BUSH, U.S. Patent 4,484,700. This rejection is respectfully traversed.

As has previously been noted, the REILLY patent has an issued date of August 8, 2000. The International Filing Date for the present application is, however, March 10, 2000. Thus, it would be inappropriate for the Examiner to use patent this in a 102(b) rejection. This patent was not issued more than a year prior to the date of the application for patent in the United States. Thus, the rejection is wrong and must be withdrawn. However, as will be explained below, it is submitted that the REILLY patent should not anticipated the present invention. Nonetheless, if the Examiner is to repeat a 102 rejection, the Examiner must withdraw the 102(b) rejection and issue a new rejection. This action having taken place, the finality of the current Office Action must then be withdrawn if a new rejection in a new Office Action is given.

However, it is not anticipated that a new rejection will be given, because the REILLY reference fails to disclose the claimed device for carrying a child. As set forth in claim 7, the device will carry a child upon the shoulder of an adult. This device will

include stirrups which will at least partially carry the weight of the child and thereby encourage an upright sitting posture in the child.

In the REILLY patent, on the other hand, the child is carried by the head of the adult, not the shoulders. As seen in Fig. 1 of the patent, for example, there is a space between the thighs of the baby and the shoulders of the adult. This indicates that the neck and head of the adult carry the baby's weight, not the shoulders.

Moreover, the leg support straps of the REILLY patent are strapped around the ankles of the baby, as shown in Fig. 1. Although the leg straps are shown hanging down in Figs. 2 and 3, they are disclosed as being "wrapped around the baby's ankles," as set forth in column 3, line 15. Therefore, the baby cannot push its feet into these leg straps and therefore they will not partially carry the weight of the baby as required in claim 7 of the present application. This device will not urge the child to sit upright, as is done with the present invention. The REILLY patent would neither suggested nor render obvious the claimed device of the present application.

Apart from independent claim 7, independent claim 15 recites means for receiving the feet of the child. Such means as are disclosed in the present application are not shown in the REILLY patent. Claim 15 goes on to recite that this means includes

stirrups which at least partially carry the weight of the child. Again, this is not found in the REILLY patent.

Turning to the patents of BUSH and VERINA, the device of the present invention is also not rendered obvious by these patents. Neither of the BUSH nor VERINA patents disclose a seating section where the thickness of the seating section decreases in the direction towards the leg section and the seating section is forwardly inclined with respect to the horizontal plane. These features are brought out in dependent claims 8-10 and 16-18, for example. It should be apparent from Fig. 1 of the BUSH patent that an upright seating posture is not encouraged and, furthermore, from Fig. 3 of the VERINA patent, the seating section is shown as being an equal thickness in the direction towards the leg section. In Fig. 3 of VERINA, the adult is leaning forward and therefore the drawing is showing a slight incline of the seating section with respect to the horizontal plane.

However, independent claim 7 and 15 of the present application recite that the child is encouraged to have an upright sitting posture. As can be seen in Fig. 1 of the BUSH patent, the child is not encouraged by the seat to have an upright sitting posture. This can be seen by the backwards-sitting stance of the child as compared to the adult's head in Fig. 1 of BUSH. If the adult wants to make the child vertical, then they must lean forward, thereby

putting themselves in an uncomfortable position. Weight distribution as obtained by the present application cannot be had.

It is additionally noted that it is questioned how one would combine the teachings of BUSH and VERINA. As seen in Fig. 3, the seat of VERINA is designed so that the child's legs extend to the bottom thereof. One skilled in the art when looking at the seat would not want to incorporate stirrups therein, as there would be no need for such stirrups. In fact, such extra stirrups would be in the way. Stirrups at least partially supporting the weight of the child are required in independent claims 7 and 15.

It is respectfully submitted that none of the prior art cited by the Examiner would either suggest or render obvious the device as set forth in independent claims 7 and 15, as well as the dependent claims. As such, it is respectfully requested that the 35 USC 102(b) and 103 rejections be reconsidered and withdrawn.

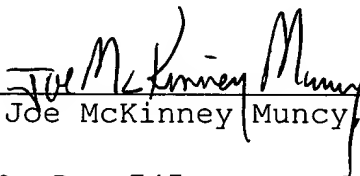
Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event the Examiner does not consider this application to be in condition for allowance, it is respectfully requested that this Amendment be entered for the purposes of Appeal. This Amendment should overcome the current grounds of rejection and therefore simplify the issues for Appeal. Nonetheless, it should be unnecessary to proceed to Appeal because the instant application should now be in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
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3535-0114P

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Attachment(s)



U.S. APPLICATION NUMBER NO. 09/936,493		
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U.S. APPLICATION NUMBER NO.

09/936,493

FIRST NAMED APPLICANT

Larus Jon Gudmundsson

ATTY. DOCKET NO.

3535-0114P

INTERNATIONAL APPLICATION NO.

PCT/IS00/00003

I.A. FILING DATE

03/10/2000

PRIORITY DATE

03/11/1999

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CONFIRMATION NO. 7153

371 FORMALITIES LETTER



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Date Mailed: 11/01/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

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 TECHNOLOGY CENTER R3700

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 r 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

VONDA M WALLACE

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PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,493	PCT/IS00/00003	3535-0114P

PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU


To:

A&P Arnason
Borgartun 24
IS-105 Reykjavik
ISLANDE

Date of mailing (day/month/year) 10 April 2000 (10.04.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference P 117 PC 00	
International application No. PCT/IS00/00003	International filing date (day/month/year) 10 March 2000 (10.03.00)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 11 March 1999 (11.03.99)
Applicant GUDMUNDSSON, Larus, Jon	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
11 Marc 1999 (11.03.99)	4997	IS	24 Marc 2000 (24.03.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer  Dorothee Mulhausen Telephone No. (41-22) 338.83.38
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